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COUNSEL TO THE DEBTOR-IN-POSSESSION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:	§	
	§	Case No. 21-31488-sgj11V
WATTSTOCK, LLC,	§	
	§	Chapter 11
Debtor.	§	Subchapter V
	§	
WATTSTOCK, LLC,	§	Adv. No. 21-
Plaintiff,	§	
	§	<i>Removed from the District Court</i>
v.	§	<i>of Dallas County, Texas,</i>
	§	<i>116th Judicial District</i>
ALTA POWER LLC,	§	
Defendant, Counter-Plaintiff, and	§	Cause No. DC-20-08331
Third-Party Plaintiff,	§	
	§	
v.	§	
	§	
WATTSTOCK, LLC,	§	
Counter-Defendant, and	§	
	§	
GENERAL ELECTRIC INTERNATIONAL, INC.,	§	
d/b/a GE POWER SERVICES,	§	
Third-Party Defendant.	§	

NOTICE OF REMOVAL

COMES NOW WattStock, LLC, the debtor and debtor-in-possession (the “Debtor”) in the above-styled bankruptcy case (the “Bankruptcy Case”), and files this *Notice of Removal* under 28 U.S.C. § 1452(a) and Federal Rule of Bankruptcy Procedure 9027, respectfully stating as follows:

I. BACKGROUND

1. The Debtor is a supplier of used and refurbished gas turbine powered generation units and related services. In February 2019, the Debtor entered into an agreement (the “Master Agreement”) with Alta Power LLC (“Alta Power”), pursuant to which the Debtor would work to locate and identify aeroderivative combustion turbines for power generation projects being developed by Alta Power in the Texas market.

2. On June 16, 2020, the Debtor commenced an action against Alta Power in the District Court of Dallas County, Texas, 116th Judicial District, styled *WattStock, LLC v. Alta Power LLC*, Cause No. DC-20-08331 (the “State Court Action”). The allegations in the State Court Action relate to breaches of the Master Agreement and related agreements between the Debtor and Alta Power.

3. On February 24, 2021, Alta Power filed its *First Amended Answer and Counterclaim and Original Third-Party Petition* in the State Court Action, alleging counterclaims against the Debtor and causes of action against third-party defendant General Electric International, Inc., d/b/a GE Power Services (“GE”), including certain causes of action against both the Debtor and GE.

4. On August 17, 2021 (the “Petition Date”), the Debtor commenced the Bankruptcy Case in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “Bankruptcy Court”). On August 19, 2021, the Debtor filed a *Notice of Suggestion of Bankruptcy* in the State Court Action.

II. TIMELINESS

5. This *Notice of Removal* is timely because the State Court Action was pending on the Petition Date and the *Notice of Removal* is being filed within 90 days after the order for relief in the Bankruptcy Case. *See* Fed. R. Bankr. P. 9027(a)(2).

III. JURISDICTION AND VENUE

6. The Bankruptcy Court has core jurisdiction of the State Court Action under 28 U.S.C. §§ 157 and 1334. The State Court Action is a proceeding by the Debtor to obtain money judgments for the Debtor based on breaches of contract, quantum meruit, fraud, and negligent misrepresentation by Alta Power. Alta Power also asserts various counterclaims against the Debtor and the Bankruptcy Court has jurisdiction over claims against the Debtor.

7. Venue in and removal to the Bankruptcy Court are proper under 28 U.S.C. §§ 1408, 1409, and 1452.

8. To the extent that any matter in the State Court Action is not core, the Debtor consents to the Bankruptcy Court entering final orders and judgment in such matter.

IV. PARTIES AND COUNSEL

9. The plaintiff and counter-defendant in the State Court Action is the Debtor, and its counsel are Brian N. Hail and Andrew D. Robertson, Kane Russell Coleman Logan PC, 901 Main St., Suite 5200, Dallas, TX 75202, (214) 777-4200.

10. The defendant, counter-plaintiff, and third-party plaintiff in the State Court Action is Alta Power, and its counsel are Michael Cancienne, Kevin Jordan, and Joseph W. Golinkin II, Jordan, Lynch & Cancienne PLLC, 1980 Post Oak Blvd., Suite 2300, Houston, TX 77056, (713) 955-4025; and Jessica Pulliam, John B. Lawrence, and Kirstie Wallace, Baker Botts L.L.P., 2001 Ross Avenue, Suite 900, Dallas, TX 75201, (214) 953-6500.

11. The third-party defendant in the State Court Action is GE, and its counsel are Michael D. Fisse and Paul R. Trapani, III, Daigle Fisse & Kessenich, PLC, 227 Highway 21, Madisonville, Louisiana 70447, (985) 871-0800; and Andrew P. LeGrand and John T. Cox III, Gibson, Dunn & Crutcher LLP, 2001 Ross Avenue, Suite 2100, Dallas, TX 75201, (214) 698-3256.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, the Debtor respectfully requests that the State Court Action be removed to the Bankruptcy Court and that the Bankruptcy Court authorize any direct and further relief to which the Debtor may be entitled.

RESPECTFULLY SUBMITTED this 9th day of November, 2021.

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Thomas D. Berghman

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**COUNSEL TO THE
DEBTOR-IN-POSSESSION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this the 9th day of November, 2021, true and correct copies of the foregoing document were served via U.S. Mail First Class postage pre-paid and by e-mail on the following parties:

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